

AMENDED IN ASSEMBLY MAY 2, 2006

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1880**

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**Introduced by Assembly Member Blakeslee**

January 19, 2006

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An act to add Section 7200.08 to the Welfare and Institutions Code, relating to mental institutions.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1880, as amended, Blakeslee. ~~Atascadero State Hospital. State Hospitals: care of the mentally disordered.~~

Under existing law, the State Department of Mental Health has jurisdiction over 5 hospitals for the care, treatment, and education of the mentally disordered. ~~Existing law requires that Atascadero State Hospital, which is one of these hospitals, be used whenever a person is committed to a secure facility for mental health treatment and placed in a state hospital at the discretion of the department, unless special circumstances preclude the placement.~~

This bill would require the State Department of Mental Health to take specified actions with respect to the administration of ~~Atascadero State Hospital~~. In that regard, the bill would require the department to ~~prohibit smoking in all areas inside the hospital, and to establish a psychiatric intensive care unit within a designated area of the hospital to be used as state hospitals under the jurisdiction of the department, including prohibiting the use of tobacco products in all state hospitals, except as provided, establishing a temporary stabilization unit within a designated area of each state hospital~~ for patients in

crisis. ~~The bill would also require the department to establish who demonstrate violent and dangerous behavior, and establishing a program, to the extent permitted by existing state law, for the payment of retention and recruiting bonuses for employees that are designed to improve employee retention and increase staffing capabilities at the Atascadero State Hospital. The bill would require that the program be administered by the director of the hospital state hospitals.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7200.08 is added to the Welfare and  
2 Institutions Code, to read:  
3 7200.08. Notwithstanding any other provision of law, the  
4 State Department of Mental Health shall take all of the following  
5 actions *with respect to state hospitals under the jurisdiction of*  
6 *the department:*  
7 (a) *Adopt regulations prohibiting the use of tobacco products*  
8 *by patients in all state hospitals, with the exception of the use of*  
9 *tobacco products in religious rites or ceremonies approved by*  
10 *the department.*  
11 (b) *Prohibit the use of tobacco products by any person not*  
12 *covered by subdivision (a), on the grounds of a state hospital,*  
13 *with the exception of the use of tobacco in a designated smoking*  
14 *area for staff and others where patients are not present.*  
15 (c) *Establish a temporary stabilization unit within a*  
16 *designated area of each state hospital, to be used to treat*  
17 *patients in crisis who demonstrate violent and dangerous*  
18 *behavior. For the safety of the affected patient, staff, and other*  
19 *patients, the temporary stabilization unit shall be located in a*  
20 *secured area of the hospital, and be sufficiently staffed to protect*  
21 *the health and safety of the patients and staff, and to*  
22 *accommodate the special needs of the patients until they can be*  
23 *stabilized and prepared to reenter the general patient population.*  
24 (d) *Establish a program, to the extent permitted by state law,*  
25 *for the payment of retention and recruiting bonuses for*  
26 *employees that are designed to address serious and chronic*  
27 *understaffing at state hospitals, and to improve employee*

1 *retention. The program shall be administered by the director of*  
2 *each state hospital.*

3 ~~(a) Prohibit smoking in all areas inside the Atascadero State~~  
4 ~~Hospital.~~

5 ~~(b) Establish a psychiatric intensive care unit within a~~  
6 ~~designated area of the Atascadero State Hospital to be used as a~~  
7 ~~temporary stabilization unit for patients in crisis. The psychiatric~~  
8 ~~intensive care unit shall also be used to isolate patients in crisis~~  
9 ~~from the general patient population in a secured area of the~~  
10 ~~hospital, to provide appropriate treatment to those patients, and to~~  
11 ~~accommodate the special needs of the patients until they can be~~  
12 ~~stabilized and prepared to reenter the general patient population.~~

13 ~~(c) Establish a program, to the extent permitted by state law,~~  
14 ~~for the payment of retention and recruiting bonuses for~~  
15 ~~employees that are designed to improve employee retention and~~  
16 ~~increase staffing capabilities at the Atascadero State Hospital.~~  
17 ~~The program shall be implemented and administered by the~~  
18 ~~director of the hospital.~~

19 ~~SEC. 2. Due to the unique circumstances of the Atascadero~~  
20 ~~State Hospital relating to the specialized treatment of the~~  
21 ~~mentally disorder in a secure facility that the bill is intended to~~  
22 ~~address, a general statute cannot be made applicable within the~~  
23 ~~meaning of Section 16 of Article IV of the California~~  
24 ~~Constitution. Therefore, the special legislation contained in~~  
25 ~~Section 1 of this act is necessarily applicable only to the~~  
26 ~~Atascadero State Hospital.~~